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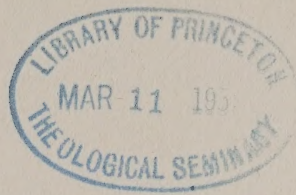
Books by Dan Gilbert

Crucifying Christ in Our Colleges

The Vanishing Virgin

Evolution: The Root of All Isms

The Biblical Basis of the Constitution



The Biblical Basis of the Constitution

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✓
By Dan Gilbert
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TO
MY MOTHER

*"The Constitution . . . deserves the
veneration with which the Americans
have been accustomed to regard it."*

—James Bryce,
The American Commonwealth

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A PERSONAL PREFACE

I AM a young man. All I know about the Horse-and-Buggy days is what I have been told. I understand that the Constitution of the United States worked very well during that period. I am interested, however, in the future rather than the past. My life is ahead of, not behind, me. Like other young people, I stand on the threshold of the wondrous transformations and fulfillments of life promised by the Power Age. I believe life in the days and years to come will be more interesting, more secure, more spiritually fruitful if lived under the Constitution. The Constitution was written before the days of the Pony Express; it has functioned well in the days of the telegraph; I see no reason to think it will not function well in the days of television.

The Constitution was framed during the time that kings "swarmed over" and crushed the rights and liberties of the people. Now we are menaced by dictators. The Constitution was necessary to make life safe in America during the Age of Monarchs; it is equally necessary during the Age of Dictatorships. We who are to live in the decades ahead will no doubt find life more swift, more complex, more involved; but we will not find it worthwhile without liberty. As it becomes

more complex, the threats to freedom will become more menacing and will issue from new sources and will be leveled from new angles—indeed, the very complications of life will engender new dangers to liberty. The Constitution in the days ahead will be doubly dear, doubly indispensable, infinitely invaluable. And we will have to defend it with redoubled vigor and vigilance.

Readers will doubtless wonder how I happened to choose to discuss the Constitution from the standpoint of its basis in the Bible. As a student, I observed that teachers who were outspokenly anti-religious and violently critical of the Bible were invariably antagonistic to the Constitution as well. I never heard, in any department of Social Science, a professorial tirade against the Bible which did not include, at some point, an attack upon the Constitution. In my intensive study of subversive trends in education during the past few years, this observation has been consistently confirmed. I have read the books and perused the utterances of hundreds of anti-religious teachers: I have never found one who ever varied from the professorial “custom” of denouncing the Constitution in virtually the same terms as the Bible is derided.

All this caused me to wonder if, actually, there is not some relationship between the two. It caused me to wonder if the principles of the Constitution are not the principles of the Bible,

if they have not a common denominator in Divine Revelation. The results of such inquiries and investigations as I have made among these anti-religious professors assured me that the relationship is real. A number of them have said frankly, and others have stated openly in their writings, that the Constitution is based upon the Bible, and since they are convinced that the Bible is false and pernicious, they must believe the same thing about the Constitution. My own study of the Bible and of the Constitution has led me to the conclusion that the former is the basis of the latter, that the Ten Commandments are the cornerstone of the Constitution and the teachings of Christ are its fundamental principles. This seems so clear and so plain that I only wonder that Christian people and Christian ministers have not recognized it with the same unanimity and universality as have the anti-Christian professors.

THE TEN COMMANDMENTS: THE CORNERSTONE OF THE CONSTITUTION

MOST governments in the Christian world have preached, but never practiced, the Ten Commandments. They have enforced against their citizens laws against theft and murder. But they have not themselves abided by these ethical principles. All ancient and modern dictatorships—indeed, all tyrannical and oppressive governments—have been based upon this vicious double standard of ethics: this un-Christian principle that the citizen shall respect the life and license of the governing despots, but that the governing despots shall not be bound to respect the life and liberty of the citizen. For the citizen to cheat the government is everywhere a crime; but where, except under the American Constitution, is it illegal for the government to confiscate the property of the citizen? Where except in America do we find the Commandments “Thou shalt not kill” and “Thou shalt not steal” recognized and revered as a Higher Law, issuing from a Divine Lawgiver, which our human lawmakers may not tamper with or transgress? Even in England, man-made law is supreme—Parliament’s power is “absolute, even against common right and reason.”* But under the American Constitution, man-made law may

*The Supreme Court, in the case of *Hurtado v. California*, stated further: “The concessions of Magna Charta were

not cross the Commandments against theft and murder—no act of Congress or a State Legislature may deprive unjustly any man or group of men of life, liberty, or property.

From the first settling of the Colonies, the Founding Fathers asserted this distinctly Christian American principle, later immortalized in the Constitution, that governing legislative bodies must respect and abide by the Divine Moral Law. In discussing the statement of a leading English lawyer that Parliament was bound by no law except that of its own making, James Wilson* maintained: "Parliament may, unquestionably, be controlled by natural or revealed law, proceeding from divine authority." The Colonial courts consistently denied the absolute supremacy of Parliament or any legislative body: "The fundamental law which God and nature have given to the people cannot be infringed." In discussing *Colonial Common Law*, Reinsch says that "the colonies were so impressed with the idea of an overruling

wrung from the King as guaranties against the oppressions and usurpations of his prerogative. It did not enter into the minds of the barons to provide security against their own body . . . by limiting the power of Parliament . . . In this country written constitutions were deemed essential to protect the rights and liberties of the people against the encroachments of power delegated to their governments . . . " Hence, our people have never been plagued with "bills of attainder, *ex post facto* laws, laws declaring forfeitures of estates, and other arbitrary acts of legislation which occur so frequently in English history."

*James Wilson, a signer of the Declaration of Independence, was the foremost lawyer at the Constitutional Convention. He was appointed Justice of the Supreme Court by President Washington in 1789.

law of nature that the laws of God and so-called natural laws were regarded 'as the true law, and all temporal legislation was considered to be binding only in so far as it was an expression of this natural law.' "

England was "profoundly shocked" by the attitude of the American Colonists in considering as absolutely illegal and void all human laws which transgress the Divine Law. As Charles Warren explains in his *Congress, the Constitution, and the Supreme Court*: "When British statesmen and writers talked of a statute or action as 'unconstitutional,' they meant that it was something impolitic or contrary to the spirit of the British Constitution, but *not* that it was something beyond the power of Parliament to enact; for Parliament was supreme. When on the other hand, James Otis, John Adams, and Samuel Adams of Massachusetts, James Wilson of Pennsylvania, Richard Bland and Richard Henry Lee of Virginia, and other leading men of the Colonies began talking, in letters and addresses, of the Stamp Tax Law, the Tea Tax Law, the Billeting Law, and other Acts of Parliament as 'unconstitutional,' they were using the word in an entirely new and purely American sense, which profoundly shocked England. For the Americans meant by 'unconstitutional,' Acts absolutely illegal, Acts which Parliament had no power to pass and which were to be disregarded by the courts and by the citizens of the Colonies. '*An Act against the Constitution*

is void; an act against natural equity is void . . . ’”

William Harper, one of South Carolina’s most distinguished senators, said that “The Constitution has laid down the fundamental and immutable laws of justice for our Government.” If any Act of Government violates these “fundamental and immutable laws of justice,” then the Constitution provides that it shall be set aside. Beveridge declared that the principle of declaring void all laws violative of Eternal Justice, all laws which deny or destroy “inalienable rights” given men by God, is “wholly and exclusively American.” It is also wholly and exclusively Christian—an application of Christ’s teaching that men should not yield unto Caesar the things which are God’s. There is a Divine Basis for the Constitutional provision denying to the government itself supremacy over the souls of men. It was on this ground that the Colonist premised their struggle for a government of “*limited* powers.” In a famous decision, Judges Roane, Henry, and Tyler said: “The supposed omnipotence of parliament . . . is an abominable insult upon the honor and good sense of our country, as nothing is omnipotent as it relates to us, either religious or political, but the God of Heaven . . . ”

James Otis believed that God Himself ordained limits beyond which Caesar, the powers of government, should not go; Parliament had no right to go beyond these limits set by Divine Authority: “These are bounds, which by God and nature are

fixed, hitherto have they a right to come, and no further . . . These are the first principles of law and justice . . . ” Primarily, the Constitution was intended to prevent governmental powers from violating the principles of Eternal Justice, from stealing away the God-given rights of the people, from seizing upon the things which belong to God. As Harper said, “The Constitution is made to control the government; it has no other purpose.” The Constitution functions to keep Caesar, government, within its legitimate sphere.

Even before the rise of lawless dictators, European nations were ruled by the pagan principle that there is no moral law higher than the whim and will of governing despots. There was no semblance of recognition of the Biblical principle that the moral decrees of the Great Lawgiver are the pattern for all human lawmakers and that any human statute which fails to follow that pattern is invalid and illegal. The Constitution of the United States, as we shall later see in detail, embodies and expresses the eternal moral principles of the Decalogue. And it makes them binding upon all men, the citizen and the lawmaker alike, as Justice Davis eloquently stated in rendering the Supreme Court’s decision in the Milligan case: “The Constitution is a law for rulers and for people, equally in war and peace, and covers with its shield of protection all classes of men, at all times, and under all conditions.” The Constitution

is a statement of Eternal Moral Principles as changeless as their Author!

Lord Coke, the famous English jurist, was one of the first to defend the principle later embodied in the American Constitution that rulers themselves are bound to respect and observe Divine Moral Principles. In flat contradiction to the prevailing opinion of his time, Coke boldly declared that the King himself was "under natural and divine law," and that when he transgressed this law he acted illegally. King James became angry at Coke's dictum and asserted that it was treason to say that the King was responsible to anyone or under any law except that which he himself made. (And in half the countries of Europe it is today treason to assert the same thing with respect to the Dictator. It is a capital offense to obey the Divine Law rather than human laws which violate it!) In reply to the King, Coke courageously maintained that "the King ought not to be under any man, but under God and His law." James disregarded his judicial rulings to the effect that the King acted illegally when he "transgressed the laws of God." George III, and Parliament, did the same thing when the Colonists stood on Coke's principle and disregarded and defied man-made statutes which violated the "laws of nature and the laws of God." The Revolutionary leader, George Mason, expressed the prevailing sentiment of the Colonists when he cited Coke and argued that both people and judges

are "in conscience bound to disobey all enactments which contradict the laws of nature and the laws of God." He voiced their feeling when he contended further: "The laws of nature are the laws of God, whose authority can be superseded by no power on earth. A legislature must not obstruct our obedience to Him from whose punishment they cannot protect us. All human laws which contradict His laws we are in conscience bound to disobey." The Colonists stood firmly on St. Peter's principle, "We ought to obey God rather than men." (Acts 5:29)

In a very real sense the War for Independence was a struggle for the vindication and recognition of the authority of the Divine Law over all man-made statutes. It was a struggle for affirmation of the principle that our first allegiance is to the Higher Moral Law. When the Constitution was framed, it was premised on this principle; not only does the Constitution recognize and establish the Higher Law which no Congress or legislature can transgress, but it clearly provides that the citizen owes his highest allegiance to the Constitution, and when government officials violate the Constitution the citizen is bound to uphold the Constitution as against the officials. For the Constitution places even the President and Congress under the Moral Principles which it sets forth; and if they violate these principles, then the Constitutional right and duty of the citizen is to obey the Divine Law in preference to the man-

made enactment which transgresses it. As Dr. Frederic Jesup Stimson states in his *The American Constitution as it Protects Private Rights*: " . . . if the President of the United States interferes with your liberty unlawfully, you may resist by force, in proper cases, and always by suit in the courts; if a soldier or a magistrate arrests you without cause, or a commission seizes your property, or a board forbids your right to trade, you can disobey him or them without danger, and bring suit as if he were a private trespasser."

This fundamental principle of the American Constitution that the citizen has all the rights of the policeman, the soldier, the President, or the Congress itself; this great principle that rulers, even as citizens, must do justly and respect the laws of God and the rights of their fellow-men—this great principle is one of the most important applications of the Ten Commandments and the Brotherhood of Man ever made in the history of the world. As enunciated in the American Constitution, it says to the rulers of the people, to the President, the Congress, the army, the police: "You, too, are responsible to your Creator, are bound to obey His laws, and to respect the rights of His other creatures. If you oppress the people and provoke them to resistance of your authority, you cannot use the strong arm of the law to seal them up in dungeons; no, for they can go into the courts, which recognize the Higher Law embedded in the Constitution, and they can have

your oppressive and unjust laws set aside and rendered void."

Except in England, where it is contained in their unwritten constitution subject to "suspension" by any Parliament, this application of the Ten Commandments, this recognition of them as a Superior Law binding on the government itself, has never existed. In no other country has the Decalogue been accepted as a Law to be obeyed by rulers as well as ruled. The nations of Europe have always had a whole body of "privileged law," what is called "administrative law," devised for the use of government functionaries alone. Under this system, if a man happens to be an important government official he is privileged *legally* to violate the ordinary laws binding on other men. In Germany, for instance, even before the present dictatorship, "if anybody injures you under pretense of government authority, be he an Emperor, an official, a soldier, or a mere policeman, you cannot resist and you cannot sue in the ordinary courts. *They are above the law.*" (Written in 1923, Stimson: *The American Constitution*)

This Right to Law—which Stimson defines as "This right to law, as against anybody, and to equal law with anybody, . . . the right of anyone, irrespective of rank, office, or station, to appeal in all matters to the ordinary law-courts for trial of any dispute between him and any other person, or body of persons, or even officer of government,

and to resist their unlawful actions if necessary with his own hand and appeal to the same courts to justify him”—this right “as known to Anglo-Saxon peoples, has no parallel in any other country in the world . . . ”

Justice Holmes said, “At the foundation of our civil liberty lies the principle which denies to government officials an exceptional position before the law and subjects them to the same rules of conduct that are commands to the citizen.”* This central principle of the American Constitution—that no one is above the law, nor beneath the law, that all citizens are “equal before equal law”—is derived directly from the Bible. In Leviticus 19:15, it is provided: “Ye shall do no unrighteousness in judgment: thou shalt not respect the person of the poor, nor honor the person of the mighty.” The American Colonists were the first group of men in the history of the world to write into the enduring law, the Constitution, of their nation a confirmation and enforcement of this Divine Commandment. No other nation had ever dared to refuse to “honor the person of the mighty,” refused to grant that the mightiest government officials, the President and Congress themselves, are above the law. Even today, no other nation in the world has a written guarantee in its Constitution insuring to every citizen the

*While stated in his dissenting opinion, concurred in by Justice Brandeis, in the case of *Burdeau v. McDowell*, these words of Justice Holmes’ were not inconsistent with the majority opinion of the Supreme Court.

“equal protection of the laws,” which, as Chief Justice Taft said in the case of *Truax v. Corri- gan*, means and safeguards “an equality of treatment of all persons.” The Divine principle, “Ye shall not respect persons in judgment,” was given its highest human expression in the American Constitution’s provision for a “government of laws and not of men.”

This right of every man to law and justice on the same terms and in the same courts as any other man is the greatest affirmation of the principle of the Brotherhood of Man since Christ lived and preached it. Christ foretold that on the Day of Final Judgment each man would receive equal and exact justice, many of the last would be first and the first last, and Dives would be dealt justice on the same terms as Lazarus. In I Peter 1: 17, it is said that the Father “without respect of persons judgeth according to every man’s work.” The Constitution of the United States provides for a system of earthly justice in which there shall be no respect of persons, in which justice shall be dealt evenly to all men “irrespective of rank, office, or station.”

The Divine model for all earthly systems of justice is given in Deuteronomy 1:16-17: “And I charged your judges at that time saying, Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect persons in judgment: but ye shall hear the small

as well as the great." The very oath which each Justice of the United States Supreme Court takes upon ascending to the Bench is a promise of unswerving fidelity to this great principle and plan of Divine Justice. The oath taken by members of the Supreme Court is as follows: "I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Justice of the Supreme Court of the United States, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States: So help me God."

The Constitution provides for an equality of law and justice which is patterned after the Divine Scheme. Fallible men may err and sway the scales of justice, but that does not alter their perfection as modeled on Biblical principles. The Constitution guarantees a framework within which and according to which men can make the nearest possible approximation to exact justice and true brotherhood. The Constitution brings rulers and ruled alike under the Ten Commandments; it lays the foundation for the Brotherhood of Man by outlawing all the subtle schemes by which governments are made to show "respect of persons" and of classes, all the vicious systems by which "equal protection of the laws" is denied to individuals and to classes.

The irresponsible power of governments which recognize no Moral Law binding on them has been the instrumentality whereby the most wholesale and monstrous crimes against the Ten Commandments and the Brotherhood of Man have been committed. In the land of Russia, during the early years of the Twentieth Century there functioned a band of bank robbers similar to our own late Dillinger mob. They were hunted and hounded—some of them were caught and imprisoned—and they soon learned that making war against the Ten Commandments is dangerous for a *citizen*. But not so for the Czar and the Cossacks—under the Russian concept of government they were exempt from observance of the laws against abuse of their fellow-men's rights; they were largely laws unto themselves, free to commit injustice and outrage as the impulse moved them. In the Bolshevik Revolution, the robber band seized control of the Russian government; the erstwhile bank robbers took the place of the Cossacks as laws unto themselves, free to commit all the cruelties and brutalities which their bestial impulses dictated. With the machinery of government as their weapon, the Communist criminals have perpetrated more murder and pillage than all *citizen* robbers and murderers in the world combined. As Joseph Stalin sits within the Kremlin, behind the bayonets of the Red Army, and serenely directs the confiscation of the property of millions of *kulaks*; as he callously contemplates

the slow starvation of millions of these robbed and ravished peasants, his mind no doubt runs back to the days when he was a "struggling" stick-up man, trying to get away with a few petty plunderings of banks. No doubt, Stalin would agree with the Mexican bandit chief who is reported to have said that if one wishes to get ahead in the stealing "business" the first thing to do is to "steal yourself a government; then you can steal anything else you want *legally*." Fortunately, the American Constitution does not permit the government itself, or any party or clique in control of the government, to steal the property of citizens legally or any other way. No demagog or despot can manipulate control of the United States government and then use it as an instrument of personal plunder and pillage. At least, he can't so long as the Constitution stands as it is today.

The progress of civilization has resulted in the development of such self-discipline and control that today in no civilized nation of the world is the *average* man a thief or a killer. This cannot be said of the *average* government. The average government in Europe today is stealing the property of at least part of its citizens, is taking the lives of others, and has already consummated the stealing away of virtually all the liberties of virtually all the people. The people have accepted the Ten Commandments as a binding moral law; their governments have not. So it was at the time of the Revolutionary War and the writing of the

Constitution. The people of the Thirteen Colonies recognized the Ten Commandments as their guiding Moral Law. They knew that the governments of Europe did not. Therefore, they wrote into their Supreme and Abiding Law, the Constitution of their nation, the provisions that their government should be restrained and guided by the ethical principles by which they were restrained and guided. They set up a government which derived its powers from them, which was a reflection and expression of them—the people. And they would not have been true to themselves had they not established as the Moral Law for their government the Moral Law enshrined in their own hearts and by which they themselves lived. They were humble, God-fearing people; they had no false sense of self-righteousness; they knew their own weaknesses and temptations, their natural inclination to exalt the temporal at the expense of the eternal. Hence, they provided that even should they or their posterity succumb, through lack of vigilance or lack of discernment, to the temptation to permit the establishment of an irresponsible, immoral government, this could never be done under the Constitution. They embodied the fixed Moral Principles of the Decalogue in their Constitution to guard against tyranny, usurpation, and abuse of power by government officials. But, more than this, they embodied these eternal Moral Principles in the Constitution as enduring restraints upon themselves—the people. Even if

they should “backslide” in their fidelity to Liberty and Justice, their government must not! They placed Constitutional restraints upon their own prejudices and passions; they provided that the Moral Law should be superior even to their own will. They provided that if race, religious, or class hatred or prejudice should ever kindle in their own breasts and cause them to yield to the temptation to use the power of government to deny life, liberty, or justice—to persecute—any group however small within their midst, they would be forestalled and inhibited by their own Constitution. Not only that, but they provided that if they should, *privately*, without resorting to the use of the power of government, deny justice to one of their fellows, if they should abuse or oppress any class or any man, then their own Constitutional government would restrain and estop them. They insured to “even the most obscure and friendless citizen” protection from oppression or injustice—even if committed deliberately by themselves, the people. Thus, they actually put the Golden Rule into their government, enshrining it as the nation’s guiding star, when they ordained a Constitution which, in the words of the great Chief Justice John Jay, “*recognizes that justice is the same, whether due from one man to a million or from a million to one man.*”

When the American people set up an independent government, they vested all power in them-

selves. And then they promptly proceeded to dedicate this power and their use of it to establish, uphold, and perpetuate the Divine Principles of Justice and Liberty of the Supreme Lawgiver; they provided that the power of government should be used always to confirm, and never to contradict, His Laws. In a word, they ordained a Constitution whose cornerstone, as we shall now see more fully, is the Ten Commandments.

"Thou shalt have no other gods before me"

(The Ten Commandments)

"Congress shall make no law respecting an establishment of religion"

(The Constitution)

The very first Article of the Bill of Rights of the Constitution of the United States is a striking affirmation and application of the first Commandment. The Founding Fathers were Christians and their first concern was that the power of government should never be used to force them to pay tribute to, or to "bow down" themselves to serve, any politico-ecclesiastic machine. They believed in Christianity, the only religion sustained and sanctioned by the voluntary observance and devotion of the regenerated hearts of free men. And they provided in their Constitution that no coercive ecclesiastical system, no religion based upon compulsion, upon the sword, and riveted upon the souls of men by the brutal power of irresponsible government—no such religious system shall ever supplant the One vitalized by the voluntary obedience and observance of the free consciences of free men, the One breathing the spirit of Christ. The Founding Fathers were determined to have no other gods, no religions based on coercion, suppression, and governmental violence and tyranny, forced upon them; and they guaranteed that no such religious system should ever be imposed upon their posterity. In his *Amer-*

ican Constitutional Law, the eminent authority, H. C. Black, says: "the whole purpose and policy of the (Constitutional) law assume that we are a nation of Christians, and while toleration is the principle in religious matters, the laws are to recognize the existence of that system of faith, and our institutions are to be based on that assumption."

As Christians, the framers of the Constitution believed in that great principle of religious tolerance which is the finest fruit of the life and teaching of Christ: the principle that every man shall be permitted to worship God, to seek righteousness, to pursue salvation according to the dictates of his conscience.

So profoundly did they believe in religion founded on freedom that they forever forbade the establishment on American soil of any of the anti-Christian systems which are based on government-directed regimentation of men's consciences. They added to the Constitutional commandment, "Congress shall make no law respecting an establishment of religion"—they added the clause, "or prohibiting the free exercise thereof." For seventeen centuries, men had bled and died to vindicate Christ's teaching that men should be free to seek the kingdom of God according to their own inner lights; for seventeen centuries men had given their lives in vain to erect enduring safeguards about Christ's inspired religion founded on freedom and voluntarism. Many of the Col-

onists had themselves suffered cruel persecution for their religious beliefs. Out of their sufferings, some had become embittered to the point where they were tempted to resort to the anti-Christian practice of trying to force their beliefs on others. That had been the history of religion for hundreds of years. One group would be cruelly persecuted by another for "heresy," for exercising freedom of conscience; but when this group, these "heretics," would gain power, out of the bitterness of their sufferings, they would resort to un-Christian persecution of their persecutors and punishment of "heresy" as relentless as that of their predecessors. The Colonists had bought liberty at a dear price, and when they wrote into their Constitution the provision that they would at all times and under all conditions share with their every single fellow American their dearly purchased freedom, their freedom of life and worship, they gave a new application to the Golden Rule.

Christ's commandment, "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's," is recognized and enforced by the first provision of the Bill of Rights of the Constitution. The things of the spirit, the "things that are God's," are placed by the Constitution beyond the power of the government to seize, suppress, control, or tamper with. They are sacred and secure from Caesar; the government has no power "to act upon" them

in any manner whatsoever, as the great Justice Story states in the second volume of his noted work on the *Constitution*: "It was under a solemn consciousness of the dangers from ecclesiastical ambition, the bigotry of spiritual pride, and the intolerance of sects, thus exemplified in our domestic as well as in foreign annals, that it was deemed advisable to *exclude from the national government all power to act upon the subject* (of religion and the 'things that are God's')."

The Supreme Court, in the case of *Reynolds v. United States*, emphatically ruled that the Constitution follows Christ's teaching in denying to the government all power to infringe upon the things belonging to Deity. Speaking through Chief Justice Waite, the Court quoted and endorsed the reply of Thomas Jefferson to an address to him by a committee of the Danbury Baptist Association: "'Believing with you that religion is a matter which lies solely between man and God; that he owes account to none other for his faith or his worship; that the legislative powers of the government reach actions only, and not opinions—I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus *building a wall of separation between Church and State.*'" The Supreme Court's decision stated that this declara-

tion of Jefferson's "may be accepted almost as an authoritative declaration of the scope and effect" of the first article of the Bill of Rights.

Christ taught that if men were to be free, in this world and in the next, they must "know the truth." Without freedom of speech and press, without access to the knowledge and experience of other men both living and dead, few of us could ever "know the truth." Denial of freedom of speech and press, of the right of every man to have access to the ethical and religious experience of other men and of earlier ages, is a denial to the soul of man of its sacred right to pursue salvation and arrive at Eternal Verities. Freedom to speak and communicate with other men to know their opinions, discoveries, and experiences—this is the very basis of any search for knowledge which has even the potentiality of arriving at Truth. Hence, it is clear that freedom of communication is a sacred principle implied and inherent in Christ's teachings. This is doubly indelible when we reflect that all systematic attempts, ancient and modern—in Soviet Russia today as well as in the Roman Empire of nearly two thousand years ago—all pagan and atheistic attempts to crush Christianity have always been based upon a STRINGENT SUPPRESSION OF FREEDOM OF SPEECH AND PRESS. When anti-Christian governments set out to dethrone Christ from the hearts of men they first deny to men the right to speak His Name, the right to tell the unregenerate of His Power, the right to spread His Word.

Likewise, when the Christian founders of the American government established a Constitution which insured to men the right to follow Christ, to be secure in their observance of religion based on freedom, to be forever safe from the soul-oppression of religion based on government-prosecuted coercion—when the Founding Fathers embodied religious liberty in the Constitution they embodied freedom of speech and press in the *very same article*. The first amendment, the first article of the Bill of Rights, reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press . . . ” In the very same sentence the Constitution guarantees freedom of speech and press on the same basis as it does freedom of religious observance and belief. It recognizes that free speech and press are implied and inherent in Christ’s teaching of religious freedom. Christ said that those who experienced salvation, who came to know Him, were under obligation to Him to go forth into all the world, spreading the glad tidings and preaching the gospel. The Constitution guarantees the right of all believers to discharge this Christian duty within the territorial boundaries of its jurisdiction. Freedom to communicate one’s beliefs is as sacred as freedom to form one’s beliefs in accordance with one’s own conscience. They derive their sanctity from the same Source, and are fittingly protected on equal footing in the Constitution.

"Honor thy father and thy mother"—respect the sacred calling of parenthood—is a Commandment held in deepest contempt by the "modern" types of misgovernment which enjoy the admiration and emulation of the enemies of the American Constitution. In Soviet Russia, parents have no rights; their children are taken from them whenever the Soviet officials see fit. It is a criminal offense for a parent to give its child any form of religious instruction before he reaches the age of eighteen. In other European dictatorships, the parent has no rights which the government is bound to respect; the child, at any age, may be snatched from the embrace of his mother and thrust into militaristic "child welfare" experiment stations or even training camps of the State. If the mother is permitted to rear her own boy to manhood, it is due to the indulgence of the dictatorship and not in virtue of any inalienable right which the laws of God and Constitutional government have guaranteed to parents. The family has no security under any form of dictatorship which looks upon the child as the property of the State, to be used as it sees fit.

In our own nation there are those who scoff at the family—and even urge that it be abolished. There are advanced sociologists who tell us that mothers have no right to their babes, that the family is "anti-social," that all children should be raised in State nurseries. There is a whole school of psychology—Watson's Behaviorism—which

holds that mothers are unfit to rear their own children, that the family is the seat and source of all "anti-social behavior"; that to abolish the home would "solve" our problems of crime, delinquency, and general bad citizenship. And there are vast numbers of miscellaneous social experimenters, as well as outright communists, who are only too anxious to seize any opportunity to put into practice "reform" measures aiming at the nationalization of children. It is the contention of many kinds of "collectivists" that the family breeds individualism and that, consequently, it must be abolished before "collectivism" can be realized.*

In view of all this, it should be a source of satisfaction and a reason for thanksgiving on the part of every American mother to know that the Constitution of her nation throws the mantle of its protection around the hallowed circle of her home. No plan for taking children from their parents and rearing them in State nurseries can ever be put into effect under the American Constitution. In the cases of *Meyer v. Nebraska* and *Bartels v. Iowa*, speaking through Justice McReynolds, the Supreme Court commented on this "modern" plan for the "scientific" rearing of children: "In order to submerge the individual and develop ideal citizens, Sparta assembled the males

*"The thoroughgoing Communist has of necessity declared war upon the family and the home; he knows that these are the richest sources and the most persistent nests of those individualistic impulses which must be destroyed if communism is to survive." (Will Durant: *The Tragedy of Russia*)

at seven into barracks and intrusted their subsequent education and training to official guardians. Although such measures have been deliberately approved by men of great genius, their ideas touching the relation between individual and State were wholly different from those upon which our institutions rest; and it hardly will be affirmed that *any legislature could impose such restrictions upon the people of a State without doing violence to both letter and spirit of the Constitution.*"

The Constitution recognizes and enforces both the letter and the spirit of the Commandment that parenthood should be respected, even above the rights of the government. Not only has the Court affirmed that the Constitution forbids any kind of legalized kidnaping of children from their parents by the State, but it has gone further and declared, "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to *standardize* its children . . . " This quotation is from the Supreme Court's famous decision in the Oregon school case. In this decision the Court held unconstitutional the law of the State of Oregon which required every parent "of a child between eight and sixteen years to send him 'to a public school for the period of time a public school shall be held during the current year' in the district where the child resides, and failure so to do is declared a misdemeanor."

The Court first upheld the rights of childhood—the right of all children to proper and proficient education, and the right and duty of the State to see to it that proper schooling is denied to no child. The Court upheld “the power of the State reasonably to regulate all schools, to inspect, supervise, and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare.”

But the Court went on to uphold the rights of parenthood—the right of parents to “direct the education of (their) children by *selecting* reputable teachers and places.” The parent may not be forced to send its child to a public school, if the parent feels the child’s needs can best be ministered to in some other school. And in safeguarding the rights of parents, the Court protected the right of the child to benefit by the consideration, devotion, and best judgment of his mother and father. The Court stated that parents have more than the mere right to house and feed their offspring, that they also have the right to choose the type of mental and spiritual development which the child will receive as a result of his education. (In the decision rendered in the cases of *Meyer v. Nebraska*

and *Bartels v. Iowa*, the Supreme Court held invalid a State law under which parents were, in effect, denied the right to send their children to a parochial school maintained by Zion Evangelical Lutheran Congregation in which Biblical stories were studied in the German language.)

In the Oregon case, the Court denied that the State has any right "to standardize its children by forcing them to accept instruction from public school teachers only." Under the Constitution, no State can force parents to subject their children to atheist and communist indoctrination at the hands of State educators, as is done in some states of Mexico, for instance. No Marxist administration in this country could do what has been done there, where atheism and communism are forced down the throat and seared on the brain of every child, whether he likes it or not and whether his parents approve or not. Under the American Constitution, the child is not the property of the State; he is recognized and protected as a creature of God endowed with an immortal soul, and his parents have the God-given right to prepare him for pursuit of spiritual and religious ideals. A reaffirmation of the Fifth Commandment, of the sacredness of parenthood and of childhood, of the family, was given to the world when the Supreme Court declared: "The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."

"Thou shalt not kill"

"Thou shalt not steal"

(The Ten Commandments)

"No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

(The Constitution)

The "due process of law" clause has truly been called one of the most important in the whole Constitution; for it looks beyond the ideas of justice of modern lawmakers and recognizes, in the words of the Supreme Court, "those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions." Among these foundation pillars of "all our institutions" none are so securely safeguarded by the "due process of law" clause of the Constitution as the Divine Principles that theft and murder are wrong, even when committed by the government. In the case of *Hurtado v. California*, the Supreme Court declared that one of the prime purposes of the "due process" clause was "to protect the rights of individuals and minorities, as well against the power of numbers as against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of the government." Chief Justice Hughes, in his book, *The Supreme Court of the United States*, states that the "due process of law" provision

“makes a required minimum of protection of every one’s right to life, liberty and property, which the *Congress or the Legislature may not withhold.*” Plainly, then, this Constitutional provision looks to a Higher Law than that made by Congress or the State Legislatures. In the case of *Hurtado v. California*, the Supreme Court reaffirmed an earlier decision* delivered by Justice Curtis, stating: “due process of law must mean something more than the actual existing law of the land, for otherwise it would be no restraint upon legislative power.” The Court held further: “It is not every act, legislative in form, that is law. Law is something more than mere will exerted as an act of power . . . Arbitrary power, enforcing its edicts to the injury of the persons and property of its objects, is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude.” Under the Constitution, an enactment of Congress or an edict of the Executive which violates the Divine Law against theft and murder is not *law*, it is not *legal*, and it is not *valid*. The Court, in the previously cited case, quoted and endorsed the statement** of Daniel Webster that “acts of confiscation,” even though passed by Congress “under the form of an enactment,” are not and cannot be “the law of the land.” The Court emphatically declared that “acts of confiscation” and all “spe-

**Murray’s Lessee v. Hoboken Land & Improvement Company.*

**In his famous argument in the Dartmouth College case.

cial, partial, and arbitrary exertions of power under the forms of legislation” are “not due process of law.”

In the case of *Davidson v. New Orleans*, the Supreme Court, through Justice Miller asked the question: “can a State make anything due process of law which, by its own legislation, it chooses to declare such?” It answered this question in the negative, saying: “To affirm this is to hold that the prohibition to the States is of no avail, or has no application where the invasion of private rights is effected under the forms of State legislation. It seems to us that a statute which declares in terms, and without more, that the full and exclusive title of a described piece of land, which is now in A, shall be and is hereby vested in B, would, if effectual, deprive A of his property without due process of law, within the meaning of the Constitutional provision.”

It is obvious that in providing that no man shall be deprived of life, liberty, or property unjustly, the Constitution recognizes a Higher Standard of Justice than that which may be set up, from time to time, by our human lawmakers. Congress may not, under the guise of the “general welfare” or in the name of “social justice,” confiscate wealth even for purposes of “redistribution.” For that would be taking property “without due process of law”—that is, in violation of the Divine Law against theft. The Constitution

recognizes a Higher Standard of Justice, which lawmakers may not tamper with. In the case of *Hurtado v. California*, the Court said that "legislative provisions . . . to adopt a sentence of Burke's, 'may alter the mode and application, but have no power over the substance of original justice.'" And it added, "Such is the often-repeated doctrine of this court."

Since its purpose is to curb "the arbitrary exercise of the powers of government," and since it denies the existence of any legislative power to alter "the substance of original justice," it is not surprising that the "due process" provisions of the Constitution are most frequently transgressed by State legislatures and by Congress. Since the "due process" clause enforces against both State and national governments the Commandments, "Thou shalt not kill" and "Thou shalt not steal," it is not strange that it should be most often an obstacle to selfish and predatory groups which seek to use the power of government to advance the welfare of one class at the expense of another class, or to use the power of government to wreak vengeance upon such of their neighbors whom they do not like or whose property they covet.

The "due process of law" guarantee of the Constitution has been criticized by many groups and from many angles. Some have resented the fact that it safeguards the property of large corporations on the same grounds that it safeguards the property of the farmer, laborer, or small busi-

ness man. This body of thought has, in effect, taken the position that it is *moral*, and therefore should be *legal* and Constitutional, to steal from large corporations, especially utility companies. There has been much protest from this quarter when, at different times during the past several decades, the Supreme Court has ruled that the Constitution does not permit the confiscation of property, even if the confiscation is levied wholly against large corporate combines and is done under the guise of rate-fixing or some other legislative subterfuge.

Another section of public opinion has condemned the "due process" clause because it safeguards the property of foreign races on the same basis that it protects the property of Anglo-Saxons. This view has been that it is no sin for the State effectively to deprive men of property if these men happen to be negroes or Chinese or Japanese, depending upon the prevailing prejudice. In some parts of the nation, the Constitution has been roundly denounced because it stands as a barrier against a flaming race prejudice which would deprive the yellow man of the right to eat the bread produced by the sweat of his own brow. The Constitution has been criticized because, as Chief Justice Hughes states in his *The Supreme Court of the United States*, "the equal protection of the laws . . . and the due process clause are 'universal in their application, to all persons within the territorial jurisdiction, with-

out regard to any difference in race, of color, or of nationality; and the equal protection of the laws is a pledge of equal laws.' ” This principle was forcefully applied, as a death blow to race hatred expressed and enforced through discriminatory legislation, in the case of Yick Wo v. Hopkins. In Hughes' words: “It was applied in the leading case of Yick Wo in the holding that the administration of a municipal ordinance of San Francisco which made an arbitrary and unjust discrimination, founded on differences in race between persons otherwise in similar circumstances, violated the constitutional provision.” In deciding this case, the Supreme Court held that there is no way of legally getting around the requirements of equal and exact justice for all persons, irrespective of race, as guaranteed by the “due process” and “equal rights” provisions of the Constitution. The Court upheld the Divine Principle given unto Moses that not only must the law be righteous, but that “no unrighteousness in judgment” must be done under the law. The Court held that even if, *on its face*, the law was fair and just, it could still be ruled in violation of the Constitution if its *administration* was unfair and unjust: “Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar cir-

cumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution."

The Constitutional provision against unjust deprivation of property of any citizen also came in for criticism following the Court's invalidating an ordinance of the city of Louisville which prohibited "the occupancy of any lot by a person of color in a block where the greater number of residences were occupied by whites, and *vice versa*." The ordinance was held unconstitutional because it "invaded the civil right to acquire, enjoy, and use property which is guaranteed in equal measure to all citizens." The Supreme Court went on to say that the fact that the ordinance "applied impartially to both races did not obviate the objection that it deprived of property without due process of law." In commenting on the stated purpose of the ordinance, that it was aimed at the prevention of miscegenation and the preservation of the public peace, the Court said: "Desirable as this is, it cannot be accomplished by laws which deny rights created or protected by the Federal Constitution." The Court has consistently held that the Constitution means just what it says. In answer to the charge that the Court has been too broad in its application of the "due process" clause, it can be said that the Court has given the Constitutional prohibition against theft of property just as broad a meaning and application as is possessed by the Commandment on which it is

based. The Commandment "Thou shalt not steal" means just what it says; it is complete and all-embracing in its scope. It does not say "Thou shalt not steal except to protect the public peace and promote the public welfare." It does not say "Thou shalt not steal except from capitalists or Chinamen." It does not say "No one shall steal except the government." The Commandment is unqualified; it applies to everyone and every class under all conditions. And the Constitutional injunction against theft is just as broad and just as all-embracing as the Commandment to which it gives expression and application. The Constitution is most frequently condemned because it does not permit the government to take the property of the rich and give it to the poor; because in the Supreme Court's words: "To lay, with one hand, the power of the government on the property of the citizen and with the other to bestow it upon favored individuals . . . is none the less a robbery because it is done under the forms of law and is called taxation."* The real quarrel of

**Loan Association v. Topeka*. This position was reaffirmed by the Supreme Court's decision invalidating the A. A. A. The court denied that the "taxing power" may be used to effect the "expropriation (a large, polite word for confiscation!) of money from one group for the benefit of another." The Court's decision did not deny that some groups (especially tax-eating bureaucrats) have been benefiting at the expense of the farmers; but it did deny that relief should be given the farmers by penalizing still other groups. The Court denied that the way to help a depressed class is to oppress other classes; it upheld the Christian principle that two wrongs do not make a right. The farmer has long suffered from unjust, oppressive, and inequitable taxation. The Court denied that the way to correct abuses and misuses

those who object to the "due process" clause is not with the Constitution, but with the Commandment against theft. There is nothing in the Commandment which provides a way whereby robbery may be legalized. Nor is there in the Constitution. And the Supreme Court should not be blamed because it cannot find what is not there. Those who disapprove of the Ten Commandments should, like the Communists, shake their clenched fists at the Author of the Moral Law rather than at the Constitution and the Supreme Court, which simply follow it.

The Constitution as jealously guards the right of all citizens to life and liberty as it does their right to property. It enforces the Commandment against murder with the same thoroughness and

of the taxing power lies in new perversions of this power. Injustice suffered by one class cannot be remedied by inflicting new injustice upon other classes. The decision was, above all else, a ringing blow for honest government, a demand for honest taxation which bears equally upon all elements of the nation, a demand for honest legislation which does not seek indirectly to accomplish what cannot be accomplished directly under the Constitution. The Court said, "Congress has no power to enforce its commands on the farmer to the ends sought by the A. A. A. It must follow that it may not indirectly accomplish those ends by taxing and spending to purchase compliance." Congress may not do indirectly what it is prohibited from doing directly. It may not, by indirection, change our form of government from one which provides liberty and justice for all to one which oppresses one group to the benefit of another. In a word, the taxing power, like all other powers of government, must be used in conformity with the principles of justice for all, and special privileges for none, as set forth in the Constitution. The cure for class injustice lies in eliminating it, not in inflicting it in new forms.

universality and breadth that it does the Commandment against theft. And because of this defense of the sanctity of human life, the Constitution has, during different periods in the nation's history, been roundly assailed. There have been those who have thought that the right to life and liberty was to be disregarded in an "emergency." During the Civil War, it was held by many that an emergency had arisen in which the citizen had no right to life if a military commission wished to take it from him, justly or unjustly. In the State of Indiana, a man named Milligan, a citizen of the United States who had never been in the military or naval service, was arrested in his home by order of the Commander of the military district of Indiana. He was thrown into jail, brought before a military commission, and sentenced to be hanged. The case finally reached the Supreme Court, which set aside the sentence in its famous decision in which it held, "The Constitution is a law for rulers and for people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times, and under all conditions." In affirming Milligan's right to a fair trial, under the laws and in the courts of the United States, in denying to the military commission power to deprive him of life, the Court said: "No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is

the birthright of every American citizen when charged with crime to be tried and punished according to law." The Court went further, as explained by Hughes in his *The Supreme Court of the United States*, "and declared that Congress was without power to provide for the trial of citizens by military commissions save in the locality of actual war and when there was *no access to the courts . . .*" The Court said: "Martial law cannot arise from a *threatened* invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes civil administration. . . . *Martial rule can never exist where the courts are open*, and in the proper and unobstructed exercise of their jurisdiction." In other words, so long as the Flag waves, the Constitution stands, and the courts are open and functioning, so long shall no citizen be deprived of life or liberty without due process of law; so long shall it be impossible for any form of arbitrary or military rule to sentence men to stand before a firing squad. As the Court itself has said, "Martial law is *no* law." It is legalized murder; it permits the life of the citizen to be taken at the whim and will of the military commander. It nullifies the Will of the Great Lawgiver and makes the will of a military officer a higher law than the Commandment "Thou shalt not kill." The Constitution gave a new meaning to this Commandment, establishing it on an emi-

nence it never before occupied at any time in any nation in the history of the world, making of it a Supreme Law "for rulers and people," for "all classes of men, at all times, and under all conditions." The Constitution provides that Congress itself cannot declare an exception, cannot make life cheap in any emergency, cannot legalize murder of citizens, cannot authorize the taking of life arbitrarily.

The Constitution recognizes that it is possible to kill a man in other ways than by causing his heart to stop beating. His life may be effectively taken from him by depriving him of liberty. Without liberty, a human being is half dead. Life is more than being *alive*; it is also *living*. Thomas Jefferson said, "The God who gave us life gave us liberty at the same time." The framers of the Constitution believed that neither men nor governments had the right unjustly to take away what God had given. In the case of *Smith against the State of Texas*, the Supreme Court held that deprivation of liberty tended to "extinguish" the value of life. The Court said: "Life, liberty, property, and the equal protection of the laws, grouped together in the Constitution, are so closely related that the deprivation of any one of these separate and independent rights may lessen or extinguish the value of the other three. In so far as a man is deprived of the right to labor, his liberty is restricted, his capacity to

earn wages and acquire property is lessened, and he is denied the protection which the law affords to those who *are* permitted to work. Liberty means more than freedom from servitude; and the constitutional guaranty is an assurance that the citizen shall be protected in the right to use his powers of mind and body in any lawful calling."

Liberty is essential to the preservation of the full right to, and value of, life and property. To deprive a man of liberty is, in effect, to deprive him of valuable elements of life and property. To strike at liberty is, therefore, to strike at the Ten Commandments; to diminish one's liberty is to "extinguish" his very life. It is under the Divine sanctions that life and property may not wrongfully be taken from the individual that the Constitution guards and protects individual liberty. The sanctity of human life involves the sanctity and inviolability of all the faculties of the human being. A man is deprived of his right to *live* if he is deprived of his right legitimately to use his faculties and to direct his own destiny. As the Court ruled in the case of *Allgeyer v. Louisiana*, liberty as guaranteed in the Constitution means the right of a person "to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or vocation; and for that purpose to enter into all contracts which may

be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned."

The Constitution of the United States safeguards the right of human beings to life not only in this world, but it also safeguards their right so to live that they may have life in the next. The individual liberty guaranteed in the Constitution includes the right to seek all legitimate material, mental, and spiritual advancement. In the case of *Meyer v. Nebraska*, speaking through Justice McReynolds the Supreme Court declared that the guaranty of liberty embraced the right of the individual "to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men."

To direct his destiny, either here or in the hereafter, man must be free to follow his own calling. This freedom is insured to every American by the Constitution. In the case of *Cummings v. State of Missouri*, the Court said: "The theory upon which our political institutions rest is, that all men have certain inalienable rights—that among these are life, liberty, and the pursuit of happiness; and that in the pursuit of happiness all

avocations, all honors, all positions, are alike open to every one, and that in the protection of these rights all are equal before the law."

The soul of man is safe, sacred, and inviolate under the Constitution. It is free to "captain its own fate" and pursue its own salvation. Neither the State, nor any group with the State, has any more right to crush, imprison, or strangle the souls of men than it has to mar and mutilate their bodies. The Constitutional protection of human life is as broad and as pervasive in its scope and sphere as the Commandment to which it gives expression. Under the Constitution, no soul-stifling government can experiment with plans to force men to live by bread alone. The soul of the citizen is as safe as his body, his liberty as secure as his life. He is free to live—spiritually and mentally—as well as physically.

The Commandment against violation of the holy bonds of matrimony is enforced by the Constitution, which denies to the government itself power to institute or sanction any of the systems of marital collectivism which are such important and inevitable parts of all comprehensive "collectivist" or communist programs.* In the case of *Loan Association v. Topeka*, the Supreme Court said that among the "limitations" of governmental power which "grow out of the essential nature of all free governments" are certain "implied reservations of individual rights." And among these is the right of the individual "to marry, establish a home and bring up children," and be safe from the interference or invasion of government in all phases of his family life. The Court said: "No court, for instance, would hesitate to declare void a statute which enacted that A and B, who were husband and wife to each other, should be so no longer, but that A should thereafter be the husband of C, and B the wife of D. Or which should enact that the homestead now owned by A should no longer be his, but should henceforth be the property of B."

Our Constitution has prevented such legalized violations of the holy estate of matrimony and the hallowed circle of the home for so long that

*The noted Dean Joseph HUSSLEIN of St. Louis University states in his *Christian Social Manifesto*: "No form of thoroughgoing collectivism, designed to be universal and compulsory, has ever been promoted, so far as I am aware, without at the same time including an attempt to destroy the inviolate sanctity of the marriage bond."

we tend to think it impossible that they could ever occur. Yet history is replete with instances of deliberate assaults upon the home and the institution of marriage, *legally* prosecuted by presumably civilized governments. Rulers have frequently enacted authorization of their "right" to other men's wives; and mobs in control of governments have done the same thing on a wholesale scale. The American Constitution places American womanhood on a secure and sacred plane, beyond the rapacious reach of lecherous, misgoverning bureaucrats and lust-laden mobs.

The Constitution prevents the "collectivizing" of women with the same absolute certitude that it prohibits the "nationalizing" of children. In another part of the famous decision previously cited, the Supreme Court remarked: "For the welfare of his Ideal Commonwealth, Plato suggested a law which should provide: 'That the wives of our guardians are to be common, and their children are to be common, and no parent is to know his own child, nor any child his parent. . . . The proper officers will take the offspring of the good parents to the pen or fold, and there they will deposit them with certain nurses who dwell in a separate quarter; but the offspring of the inferior, or of the better when they chance to be deformed, will be put away in some mysterious, unknown place, as they should be.' . . ."

The Court forcefully commented, "Although such measures have been deliberately approved

by men of great genius, their ideas touching the relation between individual and State were wholly different from those upon which our institutions rest; and it hardly will be affirmed that any legislature could impose such restrictions upon the people of a State without doing violence to both letter and spirit of the Constitution."

The ideas, ideals, and moral values "upon which our institutions rest" were given to the world by Jesus Christ. The "great geniuses" of communism and allied *isms*, past and present, have uniformly hated Him because His teachings have stood as barriers against their plans for confiscating property and collectivizing women and children. They reviled and assailed Him through the centuries before the Constitution was written. Today it is His teachings, His principles, embodied in the Constitution which they are opposing and denouncing, rather than the idea of constitutional government. That is why so many of the more sagacious collectivists are willing to let the Constitution stand, PROVIDED THEY ARE PERMITTED TO AMEND IT SO AS TO TAKE THE TEN COMMANDMENTS AND CHRIST'S PRINCIPLES OUT OF THE DOCUMENT. Some of the more moderate apostles of collectivism would be content, for the present, with a change in the Constitution which would nullify its provisions enforcing the Commandment against theft! Undermining the security of property rights in the homestead is the first step toward abolition of the home.

THE PRINCIPLES OF CHRIST IN THE CONSTITUTION

ONE OF the central teachings of Christ was the principle that the Moral Law, as given unto the prophets and affirmed by Himself, was a statement of Eternal Truth as everlasting and unchanging as its Author. The Founding Fathers believed that liberty is of the essence of the Eternal. They believed that God Himself is "Author of Liberty." James Otis expressed their sentiment when he said, "Liberty is the gift of God and cannot be annihilated." John Adams reflected their attitude when he said that liberty is a moral right "derived from the Legislator of the Universe." At a later period, Abraham Lincoln echoed this conviction with the declaration, "Liberty is right because Christ said so, and Christ is God." Liberty, as the gift of God, is for all men, at all times, under all circumstances. And one of the prime purposes of the Constitution was to "secure" its blessings to every living American and to "posterity." The Constitution follows faithfully the Divine Command, "proclaim liberty throughout all the land unto all the inhabitants thereof."

In the preceding chapter we have seen how liberty is a part of life, and that he who strikes at liberty strikes at life in violation of the Commandment "Thou shalt not kill." Christ taught

that the Ten Commandments are a statement of the Moral Law, as eternal as His Father who gave them: "For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled." And He intended His teachings for all men at all times: "Heaven and earth shall pass away, but my words shall not pass away." Again He said, "Go ye into all the world, and preach the gospel to every creature." He did not say, "Preach the gospel to all men, except those who no longer ride in buggies drawn by horses." He did not believe that the "higher implications and complications of the Machine Age" would require the revision of the Ten Commandments or of His teachings. He said, "Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven." He did not exempt Twentieth Century man from the consequences of that admonition.

The men who framed the Constitution believed the Moral Law affirmed by Christ was good for all time. They believed a Constitution based on it and breathing its spirit was, and should be, "indestructible" and "perpetual." They provided for amendment to the Constitution to give wider scope and application to these Eternal Moral Principles. But they did not contemplate any amendment at any time which would violate

or vitiate these principles. They did not contemplate any amendment aimed at *legalizing* a government-sponsored violation of the Ten Commandments. Indeed, the foremost Constitutional authorities agree that an amendment which would violate the Basic Moral Truths expressed in the Constitution would be itself unconstitutional—invalid under the spirit of the Constitution, even though technically permissible under the letter. Yet, this is the very type of amendment most widely advocated today. Many of our leading “critics” of the Constitution are condemning not only the Constitution itself, but also the UNDERLYING MORAL PRINCIPLES WHICH SUSTAIN IT. They are condemning the fundamental proposition that liberty is for all men at all times, that “Liberty is right because Christ said so,” and that because it is contained in His Word it shall not pass away, even though the earth and civilization do. They are condemning the fundamental principle that the majority, the government itself, must obey and follow the Ten Commandments. They are denying that Divine Law is binding on “the majority.” They are assailing the basic belief expressed in the Constitution that Moral Truth does not change, that it is the same in one age as in another. And in so doing they are reaching beyond the Constitution and striking at the central principles of Christ, which are endorsed and upheld by the Constitution.

For decades, smart young professors have been teaching their students that morals are just "the fashions of the people," that what is right in one age is wrong in the next. For decades, they have been teaching that "all morals are man-made and as men change their morals must change with them." For decades, they have been teaching that the moral principles of Jesus Christ may have been good enough for our fathers but they are not good enough for us. A cancer spot of such vicious teachings has for years festered and putrefied in Columbia University; another in Harvard. Is it any wonder, then, that out of these same cesspools of communism should emerge the doctrine that, like the morals and religion, the Constitutional system of government of our fathers is not good enough for us?

Back in the Nineteen Twenties, one of the most notorious of the teachers of anti-Christianity, one of the bellwethers of the "smart," "sophisticated," subversive professoriate was popularizing the teaching: "The Bible deserves no reverential awe, the Ten Commandments no obedience except in so far as they conform to modern science." In view of this, should we be surprised to find this exprofessor, and all his worshipful professorial proteges (and political protagonists), popularizing the doctrine: "The Constitution deserves no respect, and no obedience, except in so far as it conforms to modern theories of, and experiments

in, government." The present-day assault on the Constitution is the natural and inevitable upshot of the concerted attack on the Bible and the Ten Commandments launched decades ago. Those who think we have outgrown the Ten Commandments could not be consistent without holding that we have also outgrown a Constitution founded upon them.

The Apostle Paul believed that in Christ he had caught a glimpse of Absolute Good, Absolute Truth. In the face of Jesus he had seen the Eternal. The founders of our government believed that in the teachings of Jesus they found the Absolute and Eternal Moral Principles upon which all good government must be based. Their Constitution recognizes the validity of the Declaration of Independence. And the Declaration of Independence recognized the supreme validity of Christ's teaching of the Brotherhood of Man when it declared that "all men are created equal." It recognized the supreme validity of Christ's teaching of the Fatherhood of God when it declared that *all* men are *equally* "endowed by their Creator with certain inalienable rights" including "life, liberty, and the pursuit of happiness." Christ taught that the Will of His Father in heaven was a Higher Law than that made by men, than that ordained by the majority; and that if the law of man transgressed this Higher Law, the law of man must be set aside and

disregarded. The Constitution of the United States upholds His teaching. Christ denied the "modern" theory that "the majority has a right to do anything it wishes to." He upheld the doctrine, enshrined in the Constitution, that the individual has "inalienable rights" which no majority has a right to take from him. Christ defended the rights of the individual child, as against all men, all mobs, all majorities, and all governments: "But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea."

The United States is the only nation on earth which has a Constitution which protects every mother's babe against offense committed by men wielding the strong arm of government. Even under the English Constitution, and by an act of the Canadian Parliament, we have seen the Dionne babies made "wards of the King." Some say that the government can take better care of them than their mother; and some of our Communist counsellors tell us that the majority of children would be benefited if reared in government nurseries. But Christ said the sanctity of the home should not be violated under any circumstances or for any purpose: the fact that the government itself is staging a great experiment to insure "the greatest good to the greatest

number" does not excuse offense done to one single child, does not justify invasion of the rights of one single mother. Under the American Constitution, Christ's teaching is upheld: every home and every child are safe and sacred. Congress itself is powerless to commit an offense against childhood. The rights given to children and to parents by God cannot be taken away by the government.

The Declaration of Independence and the Constitution recognize that the "laws of nature and of nature's God" entitle men to certain inalienable rights. The Constitution provides that when man-made laws cross the "laws of nature and of nature's God" in a way to deprive the individual of God-given rights, then the man-made laws must be set aside, declared invalid. The Supreme Court was established as an instrumentality of enforcing this principle. Those who denounce the principle under which the Court functions tell us that the will of the majority should be permitted to override, and even abolish entirely, the individual rights guaranteed by the "laws of nature." St. Chrysostom said, "The laws of nature are the will of God." And Christ said that we should be obedient first to the will of God, that it is a Law superior to all others. That principle is upheld by the Constitution of the United States.

In his *Commentaries*, Blackstone gave what is accepted as the most complete and accurate defini-

tion of the "law of nature." By reading this definition, the conclusion becomes inescapable that there is a Divine Basis in the Moral Order of the Universe for regarding as invalid all man-made laws which transgress Natural Law: "Man, considered as a creature, must necessarily be subject to the laws of his Creator. . . . The will of his maker is called the law of nature. . . . This law of nature, being coeval with mankind, and dictated by God himself, is, of course, superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all their force and all their authority, mediately and immediately, from this original. . . . Upon these two foundations, the law of nature and the law of revelation, depend all human laws; that is to say, no human laws should be suffered to contradict these . . . nay, if any human law should allow or enjoin us to commit it, we are bound to transgress that human law, or else we offend both the natural and the divine."

Lord Bryce said that the belief in Natural Law, as set forth in the Declaration of Independence and upheld by the Constitution, is the fruit of the teaching of Christ. In his famous essay on *The Law of Nature*, he concludes: "But it is clear that the influence of Christian teaching . . . stimulated the vindication in the name of Natural Law of

principles which are the foundation both of civil and religious liberty."

In these words, Lord Bryce expounded the great principle of Natural Law, as it is embodied and enshrined in our Charter of American Liberty: "It is an assertion of the supremacy of the eternal principles of morality . . . It proclaims the responsibility to God of all power, whether spiritual or temporal, and the indestructible rights of the individual human being. Finding in Divine Justice the ultimate source of all law, it imposes a restraint upon the force which positive (man-made) law has at its command, and sets limits to the validity of positive (man-made) laws themselves."

There are only two theories as to the "ultimate source of all law." One finds the source of all law in the Will, the Moral Law, of God, in Divine Justice. The other finds the source of all law in the will of self-willed men—a dictator or a dictatorial mob. The first theory looks to the unchanging Word of God and the Divinely implanted conscience of man for the Eternal Moral Law, upon which human law should be based. The second theory denies the existence of an enduring Moral Law. It asserts that morals are but "the fashions of the people"—and that as fashions in morals change, so must fashions in law, justice, religion, and constitutions. It claims that there are no Eternal Ethical

Principles, that men who live in apartment houses must have a different morality—and a different Constitution—than those who live in log cabins. This is the theory of Karl Marx; the theory upon which all forms of unconstitutional collectivism are predicated. The opposite theory, the first theory stated, is that of Jesus Christ; the theory upon which the Constitution is premised. Christ said that the Moral Principles which He stated were for all men, at all times, in all ages. Marx said that every age evolves its own moral principles, as it evolves its own styles and manners. Christ taught that ethical standards are derived from *above*—from the Will of His Father in heaven. Marx taught that ethical fashions are derived from *below*—are an outgrowth of the material conditions of life; that “The material processes of life determine the religious, moral and spiritual processes of life.” They follow the philosophy of Karl Marx who say that a change in the material conditions of life entails or necessitates a change in the guiding ethical principles enthroned in the Constitution. They follow the teaching of Jesus Christ who say that Constitutional principles based upon His Word are as valid and as sound in a mechanized age as they were in the age of handicraft.

Marx was not anti-Christian merely because the Church opposed his plans for revolution and

his preachment of class hatred. His whole philosophy and system of thought squarely opposed the teachings of Jesus. He was *intellectually*, as well as *emotionally*, anti-Christian. He taught, advocated, and believed in the supremacy of the material over the spiritual. He pretended to be a prophet and foretold the day when the changes wrought by machinery in the material life of man would destroy and obliterate all that Christ lived, taught, and died for. Christ, too, made a prophecy: He prophesied that the world and all things earthly would pass away, but His Word would not pass away. Those who tell us that a Constitution based on His principles cannot stand in a mechanized age, cannot survive material changes in the life of man, cannot sustain and serve the needs of modern man—they put their faith in the prophetic pretensions of Karl Marx.

There are a hundred different ways in which Christ's teaching of the Brotherhood of Man has been given effect and application by the Constitution of the United States. We have already seen a few of them; and space will not be taken here to show more than another one or two of the many striking ways in which the Constitution, in theory and in fact, upholds His teaching. The meaning of the Brotherhood of Man, the practical meaning for nations, was given a most remarkable expression in the Mosaic law, which Christ endorsed, which He came "to fulfill." In

Leviticus 19:34, we read: "But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself." This Scripture is given a most remarkable affirmation in and by the Constitution; in the cases of Meyer v. Nebraska and Bartels v. Iowa, the Supreme Court said, "The protection of the Constitution extends to all,—to those who speak other languages as well as to those born with English on the tongue." In Leviticus 19:35, it is ordered: "Ye shall do no unrighteousness in judgment, in meteyard, in weight or in measure." And in the case of Truax v. Reich, the Supreme Court held, "Aliens cannot be denied the equal protection of the laws." The Constitution, like the Mosaic law, provides that the stranger within our gates who offends against our people may be returned to his native land; but while he is here he must be treated justly; he must be accorded "the equal protection of the laws;" the inalienable rights bestowed by his Creator must be respected.*

Christ said, "The laborer is worthy of his hire." The Constitutional provisions looking toward equality of opportunity, as well as equality before the law, give an application to that

*The Constitution not only follows the Bible in requiring that justice be done the stranger within our gates, but it also follows Divine Law in protecting our own people against foreign domination. Our deportation laws, as well as our naturalization laws, are based on the Law as given to Moses; and, as a prominent minister has pointed out, our Constitution's provision that the President must be a "natural born citizen" is a statement of Israel's law: "No foreigner shall rule over you."

principle as broad as the principle itself. The Court has held that neither federal nor State government can "hamper, or restrict by any condition, a man's elemental right to find work and contract for his labor" (Stimson: *The American Constitution As it Protects Private Rights*). As stated by Stimson, it has effectively upheld "the equal right of any man to engage in any trade or business with as good a chance as anybody else and to be protected . . . against any sort of special privilege granted by the State or by the Nation; all public service to be open to all men equally without distinction of rank or station; no 'concession' or permission of government to be required for going into any lawful business; no charter of monopoly to be granted or allowed; and most of all, no class legislation."

In upholding directly the principle that the laborer is worthy of his hire, the Court has said: "Included in the right to personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor

as to the rich; for the vast majority of persons have no other honest way to begin to acquire property, save by working for money . . . ”

Again, the Court said: “Among those inalienable rights as proclaimed in that great document (the Declaration of Independence) is the right of men to pursue their happiness, by which is meant their right to pursue any lawful business or vocation in any manner not inconsistent with the equal rights of others, which may increase their property, or develop their faculties, so as to give them their highest enjoyment. The common business and calling of life, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must therefore, be free in this country to all alike upon the same conditions.”

In ruling unconstitutional an Arizona statute which provided that private employers may employ only a specified proportion of alien employees, the Supreme Court upheld the principle that the alien laborer is just as worthy of his hire, just as entitled to equality of opportunity, as the native born worker: “The right to work for a living is of the essence of that personal freedom and opportunity secured by the Fourteenth Amendment. Aliens cannot be denied the equal protection of the law.”

The Court has consistently held invalid the so-called “peonage laws” by which advantage could

be taken of the destitution of poor laborers to force them into practical servitude. Under one such law, a negro farmhand named Lonzo Bailey was sentenced to hard labor for taking \$15 as an advance on a contract to work at \$12 a month for a year and quitting soon after the first month. The Court held the law under which he was sentenced unconstitutional, saying that Bailey's offense was a "mere breach of contract for personal service, and the statute, making this a crime, provided means of compelling performance of the service—a convenient instrument for coercion . . . particularly effective against the poor and the ignorant, its most likely victims." In this decision, the Court gave new effect to Leviticus 25: 39-40: "And if thy brother that dwelleth by thee be waxen poor, and be sold unto thee; thou shalt not compel him to serve as a bond-servant: But as an hired servant." The dignity, freedom, and fundamental rights of the laborer may not be taken from him even though under the pinch of poverty he obligates himself in matters which he will not or cannot discharge.

There is no more fitting way to close this chapter and to prepare for the next than to quote Christ's words, "Suffer the little children to come unto me," and the Constitutional confirmation of this principle, as enunciated by the Supreme Court: "The child is not the mere creature of the State." Since the days of the supremacy of

Sparta, half the governments of the world have stolen the childhood of the nations and crushed and coerced it into service in murderous militaristic and materialistic machines. At least two of the nations of the world today are making guinea pigs out of their children and experimenting with programs for crushing the consciences and souls out of them and bending them to bondage to power-mad, materialistic-minded State juggernauts. They are using their children as raw material out of which they are trying to mold a generation which will know not God, which will have no comprehension of or contact with the things of the Spirit. These godless governments are exercising the power of distortion, deformation, and destruction over their childhood which a vivisectionist wields over mongrel dogs.

The American Constitution is a mighty shield protecting all children within our borders from the terrors of the Totalitarian State. The Constitution of the United States says that children are not creatures of the State to be used and abused as it sees fit, that men are not slaves of the State, that the government is not God, not almighty over the thought and lives of its citizens. In so providing, the Constitution guards the ground on which Christ stood 1900 years ago.

THE CONSTITUTION: PROTECTOR AND PROMOTER OF THE PROGRAM OF THE PRINCE OF PEACE

IT IS no accident that no Napoleon has ever gone forth from our shores in wars of aggression to fasten the chains of military despotism upon the people of other lands. For our Constitution protects the liberties of our own people against all ambitious rulers; and no dictator ever terrorized other peoples until he had first tyrannized over his own people. No ambitious militarist ever Prussianized another nation until he had first Prussianized his own nation. All wars against the liberty of others are fought by men who have lost their own liberty. That is a law of nature, a law of compensation. And in providing that our own people should forever be free, the Constitution went a long way toward insuring the freedom of other peoples from encroachment at our hands.

The Founding Fathers wrote into the Constitution a philosophy, if we may call it that, of peace and international relations which the American people are just beginning to understand. They were, in truth, at least 150 years ahead of their time. They enunciated the great American principle, which we are just beginning to appreciate, that we should defend our nation against invasion at all hazards but that we should not

engage in wars of aggression abroad. They provided in the Constitution that the liberties of Americans should never be sacrificed on the altar of any cause except that of preserving American liberty. They provided that the liberty of no single American citizen should be sacrificed to promote the militaristic ambitions of an administration bent on conquest abroad: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of *rebellion* or *invasion* the public safety may require it." In the Milligan case, the Supreme Court held that all the Constitutional "securities for personal liberty" are equally safeguarded against seizure or sacrifice in the furtherance of militaristic ends.

The Constitution wisely does not forbid Congress from declaring war against foreign nations or sending our soldiers abroad. No government could enjoy the respect of nations without this right. But it does forbid the scrapping of our liberties in the advancement of any war aiming at aggression. And the Constitution defines wars of aggression in a way which all can understand. The framers of the Constitution were well acquainted with the device of dictators whereby they embroil their people in an offensive war, and then call it a "defensive" war and use it as an excuse to sweep away the people's liberties. Hence, they provided in the Constitution that only actual invasion can warrant the abridgement of our liber-

ties, the placing of our people under martial law. In the *Milligan* case, the Court said: "Martial rule cannot arise from a *threatened* invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration." The Court went further and said that martial rule could only apply to the "theatre of active military operations, where war really prevails." Hence, during the Civil War, the Court held that martial law could not be established in Indiana, merely because there was insurrection in neighboring states: "It follows, from what has been said on this subject, that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theatre of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course."

Only the overthrow of the courts themselves can deny the citizen access to them and protection under the Constitution: "Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war.

Because, during the late Rebellion it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed, and justice was always administered. And so in the case of a foreign invasion, martial rule may become a necessity in one State, when, in another, it would be 'mere lawless violence.'"

In commenting on this decision, Hon. George Sutherland, now a Justice of the Supreme Court, stated in his book *Constitutional Power and World Affairs**: "It would seem, therefore, in case of foreign war, waged entirely beyond the boundaries of the United States, the occasion for a declaration of martial law within our boundaries could never legitimately arise." The Constitution thus stands as an insuperable barrier against militarism. It asserts that human liberty and human rights are supreme. It provides that, unlike even the British government which arrested and imprisoned its citizens arbitrarily and without due process of law during the World War, the American government must deal to its citizens during war the same kind of justice according to the same fixed standards as it does during peace. As Justice Sutherland has said: "If the political structure erected by the Fathers rests upon any one pillar more securely than upon

*Columbia University Press, 1919

another, it is upon that which upholds the right of the individual to invoke the judgment of the civil courts of the land upon his conduct. Presentment to, and trial and judgment by, judicial authority is fundamental in our system of jurisprudence . . . These are rights so sacred and imperative, so vital to the continued efficacy of free institutions, that nothing short of overwhelming and inevitable necessity (insurrection or invasion) can ever justify their suspension. So long as that necessity does not arise, the promoters of disloyalty, in common with other malefactors, must be left to the deliberate processes of the courts . . .”

The rights guaranteed under the Constitution may not be destroyed or denied to citizens in order to strengthen the military arm of an administration engaged in foreign war. Since all war is based upon, and batters upon, the destruction of human rights, since the stolen liberties of the people are the real sinews of every war machine, it is apparent that the Constitution of the United States shows the way to end war. But the world at large and, at times, even vast elements of our own citizenry have been disinclined to follow the course laid down by the Constitution. Peace begins at home—the preservation of life and liberty at home is the surest way to preserve life and liberty throughout the world. Militarism begins at home—the Prussianization of the people at home is the first advance of every movement toward the

Prussianization of foreign peoples. Wars of aggression begin at home—the first offensive of every conquest-minded despot or dictator is against the liberties of his own people. Freedom of speech, freedom of press—liberty—for the citizens at home is the only guarantee against aggression abroad. The only kind of government which will respect the liberties and the rights of other nationals is the kind of government which respects the liberties and rights of its own citizens. No government ever did injustice abroad before it first did injustice at home.

Christ taught that peace and justice among nations could only come through the salvation of individual souls, the regeneration of individual hearts. The Constitution of the United States recognizes His Divine Principle that peace cannot prevail throughout the world unless it first prevails in the individual heart and will of man. The Constitution recognizes that a government cannot be free unless its citizens are free. It recognizes that the liberty of peoples is based upon the liberty of individuals, that the destruction of the liberty of peoples issues from the destruction of the liberty of individuals. The framers of the Constitution were well aware that most dictators and despots cajole the people before they coerce them, that they ride to power on a wave of popular approval and then use that power to ride roughshod over those who gave it. The drafters

of the Constitution also realized that, at times, a deluded and terrorized, a propagandized and intimidated majority has given its assent and approval to despotism artfully disguised. They knew that the mob sometimes shares the greed and avarice of the militarists, that it sometimes willingly supports wars of aggression aiming at the destruction of human lives and liberties. But the protection of the liberties and rights of individuals, and the respect of free governments deriving from free citizens, are more important in the eyes of the Constitution than are the despotic ambitions of even a majority; as the Supreme Court said in the *Loan Association v. Topeka* case: "It must be conceded that there are such rights in every free government beyond the control of the State. A government which recognized no such rights, which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power, is after all but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so, but it is none the less a despotism. . . . The theory of our governments, State and national, is opposed to the deposit of unlimited power anywhere."

To safeguard those rights and liberties "which grow out of the essential nature of all free governments," to prohibit assaults upon liberty sanc-

tioned by even a majority, the Constitution made the cause of peace and liberty paramount to the ambitions of any class, however numerous, as well as of any individual, within the nation. Most of the republics of the world have fallen, most of the dictators of the world have risen to power, because clever demagogues have been able to delude and mislead a nominal majority into standing still while the shackles of slavery were riveted upon them and they were marched off to war to fasten shackles upon other peoples. The Constitution guarded against this: it made human life and liberty sacred, inviolate; it placed life and liberty upon twin pedestals, beyond the power of any governing group to touch or tamper with. In so doing it showed the way to peace; it built a wall against militarism, exemplifying the way to end that mass destruction of life and liberty known as war.

Many thoughtful persons believe that the United States should engage in no war, not even a defensive one, unless it is first sanctioned by a popular referendum. The framers of the Constitution had this same thought; and they put a practical expression of it in their Constitution. At the time the Constitution was written, the means of communication were so slow that it would, of course, have been impractical if not impossible to conduct a referendum *before* Congress acted to defend our rights against invasion. It would

have taken months to poll and tabulate the vote! That is why the presidential inauguration had to be held in March even though the election took place in November. But the Constitutional Fathers did put in the Constitution an application and enforcement of the *principle* of a referendum on war. They provided that, while Congress should have power to "raise and support armies," "no appropriation of money to that use shall be for a longer term than two years." They also provided that "All bills for raising revenue shall originate in the House of Representatives;" and that members of the House of Representatives shall be elected by the *people* every *second year*. Thus, while the Constitution permits Congress to declare war, it provides that the people shall have an opportunity each two years to take a popular vote on that war, and to end it, if they wish, by electing representatives to the House who will refuse to raise money to support the war. Furthermore, the Constitution denies even to the people power to authorize an appropriation for the army for a period longer than two years—they cannot offer the powers of a crown to a militaristic Caesar, even if they wish to! This means that each two years there must be a *new* referendum on any war declared by Congress, and no war can be continued unless endorsed at each election by the people's sending to the House representatives favoring additional appropriations for war purposes.

This Constitutional provision is a perfect and insuperable obstacle to militarism, since it requires that an American Napoleon must not only have the approval of the people, acting through Congress, when he starts on his military aggression; but he must get a *new* and *fresh* endorsement of the people each two years. The Constitution protects the people against a self-perpetuating military dictatorship by providing that even if they are hoodwinked into voting their rights away and committing themselves to the pursuance of a policy of armed aggression, they can reverse their action, remedy their own mistake, and depose any usurping dictator, at the next regular election. And the bi-yearly election of Congressmen is mandatory—no dictator can steal the ballot from the people, nor can the people give this right away.

The Constitution of the United States contains a prophetic, practical application of the true philosophy, program and principles of peace, which is only now beginning to be fulfilled, approaching appreciation and approval by our people.

FAITH IN GOD IMPLICIT AND IMMANENT IN THE CONSTITUTION

MOST governments are atheistic. They recognize no Law higher than that which they themselves make. They recognize no Power superior to that which resides in and issues from themselves. They operate upon the principle that might makes right: this is true of most democratic governments, as well as most dictatorial ones, since the former recognize the might of the mob, the force of public opinion, the command of the majority, as their highest law, the creator of right; while the latter recognize the will of one man or one group of men as their supreme law, the creator of right. In either case, however, right is derived from the might and mind of men. Most governments are laws unto themselves; they are premised upon the proposition that the State, whether embodied in a king or a crowd, "can do no wrong."

The government of the United States, however, is based upon a different, a unique, principle. The Declaration of Independence, endorsed and enforced by the Constitution, states that governments are not laws unto themselves, that they cannot create right, that they are accountable to a Higher Power. It asserts that governments exist to "secure these rights"—the "inalienable

rights" with which men "are endowed by their Creator." It recognizes "the laws of nature and of nature's God" as a Higher Law binding on all governments, and it asserts that all governments are bound to recognize and abide by this Higher Law. It further asserts that "whenever any form of government becomes destructive" of the laws of nature and of nature's God, destructive of the inalienable rights given human beings by their Creator, then it becomes the duty of the people to alter or abolish that form of government. The Declaration of Independence thus affirms the duty of the government to uphold and protect Right and rights as ordained by Divine Law. And it declares that the citizen is obligated in obedience first to the Divine Law, and that he should defend it against the encroachments of even his government.

The Revolutionary War was fought to vindicate this principle. It was fought in the faith and trust and belief that Divine Justice sustained the action of the Colonists in assuming "the separate and equal station to which the laws of nature and of nature's God" entitled them. The Revolutionary leaders simply asserted, as Lincoln later did, "the right as God gives us to see the right," and went forth in the conviction that a righteous cause made them invincible before any power on earth. The Revolutionary War was fought on faith: faith in the strength and ulti-

mate supremacy, and the Divine sanction, of the principles stated in the Declaration of Independence. Hence, it was fought for a different purpose, and on a different basis, than any other revolution the world has ever witnessed. All other revolutions were fought, primarily, for power and not for principle; indeed, so true is this that the term *revolution* has been authoritatively defined as "a transfer of power." This definition, however, is not accurate if applied to the American Revolution; for it was waged to destroy and deny, rather than to seize and affirm, power. It was waged to establish the principle that no government should have the power to violate the laws or inalienable human rights ordained by our Creator. It was a war against the exercise of this kind of power. Hence, the victory of the Colonists did not involve a "seizure of control," in the accepted sense, since they provided in their Constitution that their own government, that they themselves, should never exercise or even possess the kind of autocratic control against which they revolted. The Russian Revolution, too, was a revolt against autocratic power, but, in the end, it involved the "seizure" of this power by the red revolutionists: it eventuated in the substitution of the dictatorship of the Communist Party for the despotism of the Czar. The American Revolution, alone, was a revolt against tyrannical power which ended in the abolition of tyrannical power

er—in the establishment of respect for the rights of man and recognition of the laws of nature's God.

Most revolutions are fought according to the rules of military strategy; they depend upon strength and cunning to carry them to success. They rely upon that subtle combination of strength and cunning, applied at the opportune moment, technically called a *coup*, to effect their seizure of power. The American Revolutionary leaders relied on no such man-made makeshift. Unlike the French and Russian revolutionists, they did not hide in cellars and garrets, plotting and planning, and waiting until they could stab their rulers in the back and sneak into control. No, they put their trust in the righteousness of the principles for which they fought. The American Revolutionists boldly asserted that governments destructive of the laws of our Creator should be abolished and replaced by governments which respect those laws. They asserted that Divine Justice upheld this proposition, at all times and in all climes. They said that when their mother government violated Divinely-ordained human rights, God Himself entitled them to independence, to life under a government obedient to Divine Will. They did not think that the Ruler of the Universe required that they plot and plan, that they await their chance to pull a *coup*. They believed He was ready, always, to safeguard their

rights under His Own Laws. Hence, they forthrightly declared war on the most powerful nation of the world and openly challenged her vast military machine. They took their stand for God and humanity, armed with little more than the power residing in a righteous cause. That was one of the greatest acts of faith in history.

When the Fathers came to the writing of their Constitution, there were counsels in their midst who strongly urged that they trample, if ever so lightly—that they encroach, if ever so slightly—upon the Divinely-ordained human rights and principles which they had fought to vindicate. They were told that, in the face of impending chaos, in the throes of such an “emergency,” they could not respect the full and unabridged rights and liberties of all individuals and of all groups. They were told that the crisis required that they suspend for the time being some of the human rights the free exercise of which led to dissension and discord among the colonies and among the individuals within the colonies. A new nation could not be so liberal of liberty—it could not afford to let its citizens think and speak for themselves; it could not afford to let them criticize and resist infringements of their rights by government officials. The new government must take the short cut to stability; it must entrench itself at the expense of the rights of its citizens and the groups and classes composing it. It must do what

every new government had done before and has done since: exercise in its own defense the despotic power which had been used by the tyranny which it succeeded.

But not so with the Fathers: they fought the Revolution on faith, on faith in the strength and supremacy of a righteous cause. And they founded the new government on the same faith. They had faith that the laws of nature's God *entitled* them to *assert* and *establish* the principles of liberty and justice stated in the Declaration of Independence. And they had faith that there was provision in His Will for the defense and preservation of any government which adhered to them. They believed that to put these sacred principles into their Constitution, as the guiding standards of their government, was to insure its perpetuity. They had faith that a government whose Constitution, whose supreme law, was based on the Ten Commandments and the principles of Christ could not fall. They courageously provided in their Constitution that, no matter what type of emergency confronted it, the government must remain true and faithful to Divine principles. Hence, they provided for a government, which, through wars, depressions, and all manner of difficulty, has literally *walked and lived by faith*. The Constitutional Fathers had faith that God Almighty meant, for all nations at all times, what He spoke unto Israel: "Follow my commandments and I

will make of thee a great nation." That faith has been justified. They believed the Divine promise, "And it shall come to pass, if thou shalt hearken diligently unto the voice of the Lord thy God, to observe and to do all His commandments which I command thee this day, that the Lord thy God will set thee on high above all nations of the earth." History has confirmed that belief.

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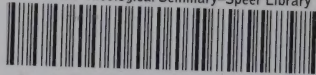
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